

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

June 28, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor James Bergen of the North Fresno Mennonite Brethren Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "CATHY REHART DAY" – Mayor's Office

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 14, 18, 20 and 21, 2012

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Authorize the Director of Transportation or his designee to execute an agreement with the Fresno County Rural Transit Agency, to manage the maintenance and repair of Fresno County Rural Transit Agency vehicles – Transportation Department

Action Taken:

- B. Approve the re-appointment of Dr. William Dailey, Jr., Robert Hand, Jenelle Pitt and Mary Beth Randall to the Disability Advisory Commission; the re-appointment of Rogenia Cox and Armando Rodriguez to the Housing and Community Development Commission; the re-appointment of Joe Moore and Don Simmons to the Historic Preservation Commission; the re-appointment of Andy Hansen-Smith to the Planning Commission; and the appointment of Andrew Moreno to the Civil Service Board - Mayor's Office

Action Taken:

- C. Approve an agreement with Peters Engineering Group, Inc., in the amount of \$100,000, with a contingency amount of \$20,000, to prepare design plans for construction contract documents and to provide technology integration services for the Metropolitan Area Network Phase III Project (Project located in Districts 2, 4, 5 and 6) – Public Works Department

Action Taken:

- D. Reject bids for the construction of groundwater monitoring wells and groundwater extraction wells at the Fresno Sanitary Landfill – Department of Public Utilities

Action Taken:

- E. Adopt Resolution of Intention No. 1092-D to vacate E. Burns and E. Eugenia Avenues east of S. Martin Luther King Jr. Boulevard, S. Bardell Avenue between E. Burns and E. Eugenia Avenues, and various public utility easements between E. Church and E. Burns Avenues east of S. Martin Luther King Jr. Boulevard (Property located in District 3) – Public Works Department

Action Taken:

- F. RESOLUTION – Concerning Measure C Extension Local Transportation Purposes Pass-Through projects and program funds annual allocation for fiscal year 2012-2013 - Budget Management Studies Division

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

G. **Actions pertaining to the sewer rehabilitation in First Street (*Property located in District 4*) – Department of Public Utilities**

1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15302(c) (replacement or reconstruction) of the California Environmental Quality Act Guidelines for the sewer rehabilitation in First Street
Action Taken:
2. Award a \$134,561 contract to SAK Construction of California, LP of O'Fallon, Missouri, for the sewer rehabilitation in First Street authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken:

CONTESTED CONSENT CALENDAR

9:30 A.M. **GENERAL ADMINISTRATION**

- A. **RESOLUTION - Authorizing the submission of applications for grant funds of up to \$3,000,000 from the California Department of Transportation Highway Safety Improvement Program (HSIP) and authorize the execution of documents by the Public Works Director or designee (*Projects located in Districts 1, 3 and 4*) – Public Works Department**
Action Taken:
- B. **Actions pertaining to addition of the Home Energy Tune-up Program to existing local government partnership agreement with PG&E - Development and Resource Management Department**
 1. Authorize the Interim Director of the Development and Resource Management Department to sign Change Order No. 1 providing an additional \$575,000 in funding to Contract Work Authorization No. 2500301768 for the Home Energy Tune-up Program Project pursuant to existing Master Service Agreement No. 4400004295 between the City of Fresno and PG&E for the Local Government Partnership Program - Development and Resource Management Department
Action Taken:
- C. **Authorize the Director of Transportation to award a Bus Rapid Transit design services contract to Kimley-Horn and Associates not to exceed \$3,900,000 – Transportation Department**
Action Taken:
- D. **Actions pertaining to prohibiting outdoor cultivation of marijuana in the City of Fresno – Police Department**
 1. Approve Environmental Assessment for Text Amendment No. TA-11-001 finding there is no possibility the amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3)
 2. * **BILL NO. B-12 – (*Intro. 6/21/2012*) (*For adoption*)** – Adding Article 21 to Chapter 12 of the Fresno Municipal Code relating to prohibiting outdoor cultivation of marijuana in the City of Fresno
Action Taken:
- E. **Actions pertaining to City employees in Unit 07, represented by International Brotherhood of Electrical Workers, Local 100 – Personnel Services Department**
 1. **RESOLUTION** - To implement changes in wages, hours and other terms and conditions of employment for City employees in Unit 07, represented by International Brotherhood of Electrical Workers, Local 100
Action Taken:
 2. * **RESOLUTION** – 1st amendment to the Fiscal Year 2013 Salary Resolution amending Exhibit 9, Unit 7 (IBEW)
Action Taken:

9:30 A.M.

GENERAL ADMINISTRATION

F. Actions pertaining to the sewer rehabilitation in Third Street (*Property located in District 5*) - Department of Public Utilities

1. Adopt a finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15302(c) (replacement or reconstruction) of the California Environmental Quality Act guidelines for the sewer rehabilitation in Third Street
Action Taken:
2. Award a \$348,742 contract to SAK Construction of California, LP of O'Fallon, Missouri, for the sewer rehabilitation in Third Street
Action Taken:
3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken:

G. Approve amendment to agreement with MWH Americas, Inc., a California Corporation, for increased scope of services for the dewatering facility upgrade at the Fresno/Clovis Regional Wastewater Reclamation Facility for a net increase of \$399,910 (*Property located in District 3*) – Department of Public Utilities

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1 HEARING to establish the provision for the future annexation of territory to City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park (*County of Fresno parcels located within the vicinity of District 1*)

Action Taken:

- a. **RESOLUTION** - To provide for the future annexation of territory to Community Facilities District No. 16

Action Taken:

10:00 A.M.#2 HEARING to declare the mailed-ballot registered voter, election results for authorizing the levy of a special tax and establishing the appropriations limit for the City of Fresno Community Facilities District No. 16 (*Property located in District 1*) - Public Works Department

Action Taken:

- a. **RESOLUTION** - Declaring election results for Community Facilities District No. 16

Action Taken:

- b. * **BILL** - Levying a special tax for the property tax year 2012-2013 and future tax years within and relating to Community Facilities District No. 16

Action Taken:

10:30 A.M. HEARING to adopt a resolution ordering the vacation of approximately 155 feet of "L" Street southeast of Ventura Street (*Property located in District 3*)

Action Taken:

- a. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class I, 15304/Class 4, 15311/Class 11, and 15332/Class 32 of the CEQA Guidelines, Environmental Assessment No. EA-12-001

Action Taken:

- b. * **RESOLUTION** - Ordering the vacation of approximately 155 feet of "L" Street southeast of Ventura Street

Action Taken:

10:45 A.M. **CITY COUNCIL**

- A. **RESOLUTION - Seek adoption of a Sister City relationship with Taishan City of the Peoples Republic of China - Councilmember Baines**
Action Taken:
- B. **BILL - (For introduction) - Amending the Fresno Municipal Code relating to increasing the maximum number of card room tables in the City of Fresno by two (2) subject to approval by the State Gaming Commission – Councilmember Baines**
Action Taken:
- C. **Consider Charter Review Committee recommendations– Council President Olivier**
1. Whether the creation of an Emergency Reserve Fund is by setting aside and maintaining a percentage of General Fund appropriations
 2. Whether to amend Charter Section 1233 to reduce the 20% limit on General Obligation Bonds to 10% of City assets and to add a provision that places a limit of 10% on the net debt service for General Fund appropriations
 3. Whether to require a super majority vote on all debt financing decisions not contained in the adoption of the annual budget by the Council
 4. Whether to establish a Charter Section that would trigger due diligence and oversight policies, using a private sector banking model; require the City Attorney and City Manager to provide written reports to the Council and require a super majority vote to approve, for any request for financial assistance exceeding \$1,000,000
 14. Whether a provision should be included in the Charter that information requests by Council be responded to by City staff in a timely fashion relative to the time sensitivity of the subject matter and the response be sufficiently detailed to provide an adequate answer
 15. Whether Council should have the exclusive authority to appoint and remove their respective Council assistants
 17. Whether the City's campaign contribution policy should be modified (§309)
 24. Whether the Charter should provide for reverse auctions for City purchasing
 25. Whether the Charter should include a provision for a Council financial budget staff person appointed by and reporting to Council
- Action Taken:**
***** (Please note: some portions of the Charter Review Committee recommendations are subject to Mayor's veto.)**

11:00 A.M. **JOINT MEETING WITH THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION**

- A. **Approve sale of the historic (HP #164) PG&E/"Theatre 3" building at 1544 Fulton Street (APN 466-145-07) to Reza Assemi: (Development and Resource Management Department)**
1. Adopt Finding of Class 1, 25, and 32 Categorical Exemptions, pursuant to Section 15301 (existing facilities), Section 15325 (preservation of historical resources) and Section 15332 (infill development) of the California Environmental Quality Act Guidelines **(City action)**
Action Taken:
 2. Authorize the City Manager and COFCAP President to execute purchase and sale agreement between City of Fresno Cultural Arts Properties, Inc., and City of Fresno **(COFCAP and City action)**
Action Taken:
 3. Authorize the City Manager to execute purchase and sale agreement between City of Fresno and Reza Assemi **(City action)**
Action Taken:
 4. Authorize the City Manager to execute lease agreement with Reza Assemi **(City action)**
Action Taken:

ADJOURN

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M. #1 CLOSED SESSION

- A.
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Sunset Waste Paper, Inc. v. City of Fresno
 2. **Case Name:** Robert Nevarez and Sharon Shaffer v. City of Fresno - Councilmember Borgeas
- Action Taken:**

1:30 P.M.#2 Adopt Finding of Categorical Exemption pursuant to Public Resource Code Sections 21080(b)(9) and 21084 of the California Environmental Quality Act Guidelines, and approve a \$733,025 Home Investment Partnerships Program Agreement with Fulton Court Partners, LLC, for acquisition and rehabilitation of the Fulton Court apartments, a 10-unit affordable multi-family housing bungalow court located at 142 N. Fulton Avenue in the Lowell Neighborhood - Development and Resource Management Department

Action Taken:

1:45 P.M. JOINT MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL

Approve minutes of June 14 2012

Action Taken:

- A. **Successor Agency Board, Fresno Revitalization Corporation and City Council consider adopting:**
1. **JOINT RESOLUTION** - A Joint Resolution of the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation (FRC) approving the transfer of certain Former Redevelopment Agency Property Assets from the Successor Agency to the City of Fresno **(Successor Agency & Fresno Revitalization Corporation Action)**
Action Taken:
 2. **RESOLUTION** - A Resolution of the Council of the City of Fresno accepting the transfer of certain former Redevelopment Agency property assets from the Successor Agency to the Redevelopment Agency of the City of Fresno **(City Action)**
Action Taken:
- B. **Successor Agency Board, Fresno Revitalization Corporation and the City Council consider adopting:**
1. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno as the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation approving a Purchase and Sale Agreement with Boos Development Group, Inc., for the sale of certain Former Redevelopment Agency Parcels located within Southwest Fresno G.N.R.A **(Successor Agency & Fresno Revitalization Corporation Action)**
Action Taken:
 2. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno in its Capacity as the Successor Housing Agency of the Former Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation approving a Purchase and Sale Agreement with Boos Development Group, Inc., for the Sale of Certain Former Redevelopment Agency Housing Parcels located within Southwest Fresno G.N.R.A. **(City Action & Fresno Revitalization Corporation Action)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:45 P.M. **JOINT MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL CONTINUED**

- C. **Successor Agency Board, Fresno Revitalization Corporation consider approving:**
1. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno as the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation approving the amended Recognized Obligation (ROPS) Schedule Payments from January – June and July – December 2012 **(Successor Agency & Fresno Revitalization Corporation Action)**
Action Taken:

ADJOURN

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	5 -		NO MEETING – COUNCIL VACATION
July	12 -		NO MEETING – COUNCIL VACATION
July	19 -	10:00 A.M.	HEARING to adopt a resolution ordering the vacation of E. Burns and E. Eugenia venues east of S. Martin Luther King Jr. Boulevard, S. Bardell Avenue between E. Burns and E. Eugenia Avenues
July	19-	10:30A.M.	HEARING re: Plan Amendment No. A-11-12, Rezone Application No. R-11-18, filed by McCaffrey Group
July	26 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates – <i>(Reception immediately following – 2ND floor foyer)</i>
July	26 -	10:00 A.M.	HEARING re: levying and collecting the annual assessment for LLMD No. 1 (City wide) - P.W. Dept.
Aug.	2 -		NO MEETING – COUNCIL VACATION
Aug.	9 -		NO MEETING – COUNCIL VACATION